

# HALOCHOSCOPE

**This week's question:**

**If ice cubes in a bowl have melted, may one pour the water into a drink with or without the ice-cubes on *Shabbos*?**

**The issues:**

- A) Melting ice on *Shabbos*
- B) The status of the melted ice
- C) When the melted ice is mixed with ice

**A) Melting ice on *Shabbos***

The Talmud says that one may not melt ice and snow directly, in order to produce water. The usual method is mentioned by the Talmud, namely, to crush snow or ice. The poskim debate the reason for this. Some explain it as a look-alike to the Scriptural *melacha* of *makeh bepatish*, literally, striking with a hammer. This forbids putting the finishing touches to an article. The water produced by the crushing is similar to making a product. Others consider it a Rabbinic ordinance as a precautionary restriction. It bears some similarity to *sechita*, the Scriptural *melacha* of extracting juice from fruit. Permitting this crushing could lead people to justify squeezing fruit.

A third view considers the melted water *nolad*. When something is 'born' on *Shabbos*, one must assume that nobody had it in mind on *Erev Shabbos*. It did not yet exist. Therefore, it is *muktzeh*. *Muktzeh* is its basic form refers to items that were put out of mind before *Shabbos*, for a number of possible reasons. In general, these items now have a permissible use of some sort on *Shabbos*. The reason one never had them in mind, *nolad*, is enough to restrict their use now. Melting other solids could involve one or more of these reasons, and is likewise forbidden. In one respect, it is not always *nolad*. Water and ice have different names and different uses. Frozen soup is not a different product, nor does it have its own use. Soap is really only useful when dissolved. The poskim caution against warming a solid food that has congealed fat or gravy, that will melt and become a liquid. Melting an ice cube in water is permitted.

Snow starts out as a liquid and freezes on the way down. This would be considered *nolad* by some poskim. Some poskim forbid making ice, for additional reasons. However, there is a consensus that ice or snow that froze on *Shabbos* without human intervention is not *nolad* or *muktzeh*.

As we will discuss in the next section, the issue discussed by the Talmud is not the finished product, melted water. This is a separate discussion. The issue, according to those who invoke *nolad*, is *molid*, causing a result of *nolad*. Some say that this bears a similarity to a *melacha*.

Based on the Talmudic discussion, the poskim say that one must be careful when de-

frosting or warming food that has solid parts that will become liquids. A common example would be to place a pastry or meat pie in a warm place near the stove or flame. If the solid part will reach a level that it is cooked, it raises the issue of *bishul achar bishul*, re-cooking. Since it is already cooked, it cannot become cooked again. However, this dispensation does not necessarily work for liquids, depending on how warm it gets and subject to differing opinions. Thus, if the pastry is hot and the fat gets recooked, this is a major issue for some. However, it can be placed where it will not get hot enough. The issue of the melted fat remains, as this could be considered *nolad*. This is debated by the poskim, with the majority ruling leniently. The melted fat is absorbed into the pastry or at most is not *nikar*, easily distinguished. A minority forbid it as a form of *nolad*, and therefore, *molid*. Specifically, in the case where it is a soup with the fat floating on top, it is indeed *nikar*. While *Ashkenazic* communities follow the stringent view, if there is a pressing need, one may tend to leniency. If it has already been done, we also permit benefiting from it.

A second discussion arises with regard to melting ice or snow indirectly. Rather than crushing it as discussed in the Talmud, one could place ice into a cup of water. Similarly, the poskim maintain that one could actually crush it over a cup of water. It will melt and become indistinguishable. Alternatively, one could place it in a warm place, such as in direct sunlight or at a place near the stove where it will melt quickly but not cook. It will still be distinguishable, but will not have been crushed or melted directly. In more modern settings, one could place it on the radiator. In this case, there would appear to be no dissenting view. However, later authorities maintain that the stringent view regarding the pastries would also rule stringently here. Nonetheless, a number of later poskim maintain that this only applies to accelerating the melting process by placing it in a warmer place. Removing it from a cold place such as the freezer, and letting it melt at room temperature would be permitted even according to the stringent view. It is unclear whether there are any stringent opinions on this as well. [See Shabbos 51b Eruvin 45b-46a Beitza 2a-b, Poskim. Tur Sh Ar OC 310:8 318:16 [PMG EA 40] 320:9 [MB Dirshu] 326:10 338:8, commentaries. Kalkeles Shabbos. Tzitz Eliezer VI:34 VIII:12 IX:14 28 XII:34. Minchas Shabbos 80:6. Be'er Moshe II:25. Shmiras Shabbos Kehilchasa 14.]

#### **B) The status of the melted ice**

Once the solid has been melted, there seems to be some debate on the status of the liquid. We mentioned that the fat in the pastry or soup is permitted due to its being *aino nikar*, indistinguishable. However, the same cannot be said of water melted from ice. If it melts into a cup of existing water, it is *aino nikar*. If, however, it melts into a bowl, it is *nikar*. Therefore, it is considered *nolad*. The issue is whether the resulting water is forbidden. If it was intentionally melted, the issue is more stringent, yet even then, there is no obvious source to forbid it outright.

This is in keeping with the view that the problem with melting it is *molid*. The view that considers it a form of Rabbinical *sechita* would consider forbidding the water as an extension of *mashkin shezavu*. This refers to the juices that ooze from fruits placed in a bowl. For example, one might pile a load of grapes in a bowl before *Shabbos* and find some grape juice pooled in the bottom of the bowl on *Shabbos*. This juice is Rabbinically

forbidden on *Shabbos* as a precautionary measure to prevent the urge to actually squeeze it. The Talmud debates whether this applies to all fruits or only to grapes and olives. These fruits are Scripturally forbidden to squeeze according to all views. If *mashkin shezavu* applies to all fruit juices, the question is whether it also applies to melted ice and snow. If the restriction on melting them is akin to *sechita*, the resulting liquid could be akin to *mashkin shezavu*.

However, if the ice melted by itself, there is less reason to forbid the water. Even so, *mashkin shezavu* applies even if the juice oozed out by itself. Accordingly, one would expect there to be a problem with ice that was melted by itself by being placed in a warm spot. Since it is visibly melted and a new entity, as well as appearing like juice that oozed, one would expect some to rule stringently on its use. The poskim debate this, with many maintaining that in the absence of a clear stringent ruling by earlier poskim, it is permissible. If the water was left to melt at room temperature, this seems to be even more lenient. Nonetheless, in terms of *mashkin shezavu*, this should also be problematic.

In practice, while there would indeed appear to be room for stringency, one may rely on the lenient views to permit the water, even if one wishes to rule stringently on intentionally melting it at room temperature. [See refs to Section A.]

#### **C) Ice mixed with melted ice**

In our case, there was never any intent to melt the ice. In fact, the intent was to keep it solid as long as possible, to be used as ice cubes to cool down a beverage. The unintended melted water is cold and a welcome benefit. In terms of the issues raised in the last section, this should be even less of a problem, except that it is distinguishable as water and it "oozed". Thus, one could tend to stringency even here.

However, in our case specifically, the person does not mean to drink the water by itself. He wants to pour it into his cup with the ice. It is in a mixture. In this case, the water will immediately be indistinguishable from the rest of the drink. There is enough reason to rely on the leniencies mentioned in the other sections. [See refs to sections A and B.]

In conclusion, the mixed ice and water may be poured into the drink.

Some suggested rulings in the current health crisis:

We have discussed using foaming hand sanitizer on *Shabbos* in Halochosepe XXI:35. We concluded that there is no issue of *boneh* or *nolad* in this case. While there may be room for stringency, in the current environment, this could detract from *oneg Shabbos*, and cause people to take health issues lightly. Therefore, one should not think that he is especially pious by practicing stringency.

*Parshas Parah* is considered Scriptural by some authorities. This might be due to its proximity to *Pesach*. If one is quarantined, he should read the *parsha* with translation at home. If it is more closely related to rectifying the sin of the Golden Calf by mentioning this *parsha*, (part of the *mitzvah* to remember the *Chet Ha'eigel*), one can fulfill it by hearing regular *krias hatorah* on *parshas Chukas*.

We have discussed *tefilah* on *Shabbos* to ward off a *tzara*, trouble (e.g. XX:33). The Talmud discusses a city under imminent threat. A fast or gathering for *tefilah* is often instituted. The kind of trouble include *dever*, a plague in the air or water (environmental

epidemic), or *tachaluim* and *choli hanidbekess*, infections transmitted person to person. This applies to a town where the trouble exists, and to a lesser degree, nearby towns. This is due to both the possibility of spreading it and of economic hardship spreading nearby as a result. The Talmud debates what may be done on *Shabbos*. We follow the ruling that as a community we may not gather to cry out to ward off the troubles, but individuals may do so. A *mi shebairach* may be said for those who are ill on *Shabbos*. The exception where the public outpouring of *tefilah* is permitted is *tzaras mezonos*, dire food shortages and economic hardships that lead to this. If people feel that the current situation is such, *Tehilim* may be recited communally on *Shabbos*. [See Taanis 18b-19b 21a-b, Poskim. Tur Sh Ar OC 288:9 576:2-3 5, commentaries.]

***On the parsha ... You will not be able to see My face ... You will see My back, but you will not see My face ... [33:20, 23].*** Why does Hashem repeat the statement that Moshe cannot see His face when He tells him that he will be able to see His back? This is a hint to how we are to understand current events. We are faced with questions about why Hashem is doing certain things, especially what appear to be harsh *gezairos*, decrees. The Torah is saying that there is no way to understand the events while they are happening, because we will not know Hashem's "face". We will not be able to explain why Hashem is doing this as it happens. On occasion, long after the events, we will be able to understand in hindsight what was happening, when Hashem allows us to see his "back". Only then will we be able to explain the events, historically. [*Chasam Sofer*]

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